

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

KEVIN COVINGTON,

Plaintiff,

v.

CARLINA STUCKEY-PARCHMON, et al.,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 4:18-CV-1667-AGF

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's motion (ECF No. 28) for leave to file an amended complaint and to hold in abeyance Defendant Carlina Stuckey-Parchmon's motion for summary judgment until the completion of discovery. The motion and proposed amended complaint attached thereto was filed with the assistance of appointed counsel.

Plaintiff seeks to add factual allegations to his Eighth and Fourteenth Amendment claims against Stuckey-Parchmon, and to add municipal liability claims against three new Defendants: St. Louis County, Missouri; St. Louis County Justice Services; and Julia Childery, in her official capacity as director of St. Louis County Justice Services. Plaintiff also seeks to delay resolution of Stuckey-Parchmon's early-filed summary judgment motion until Plaintiff has had a chance to conduct discovery. Stuckey-Parchmon has not responded to Plaintiff's motion, and the time to do so has passed.

Pursuant to Federal Rule of Civil Procedure 15(a)(2), the Court will grant Plaintiff's motion for leave to amend in part. The Court will permit the amendment to the extent it adds factual allegations against Stuckey-Parchmon and adds a municipal liability claim against St. Louis County. However, the Court will deny leave to amend to add claims against St. Louis

County Justice Services and Childery in her official capacity. The entity known as St. Louis County Justice Services is not subject to suit. *See, e.g., Huntley v. St. Louis Cty. Justice Servs.*, No. 4:17-CV-1772 JMB, 2017 WL 4404466, at \*3 (E.D. Mo. Oct. 4, 2017) (citing *Ketchum v. City of West Memphis, Ark.*, 974 F.2d 81, 82 (8th Cir. 1992) (departments or subdivisions of local government are “not juridical entities suable as such”)). As to the proposed official-capacity claim against Childery, “[a] suit against a government officer in his official capacity is functionally equivalent to a suit against the employing governmental entity,” and is therefore “properly dismissed . . . as redundant.” *Veatch v. Bartels Lutheran Home*, 627 F.3d 1254, 1257 (8th Cir. 2010). Plaintiff may proceed on his new municipal liability claim against St. Louis County only, which is the proper defendant to such a claim.

Further, the Court will grant in part Plaintiff’s motion to hold the summary judgment motion in abeyance. The Court agrees that the summary judgment motion is premature and would be better addressed after Plaintiff has had time to complete some discovery. *See Fed. R. Civ. P. 56(d)*. But rather than hold the motion in abeyance, the Court will follow the “usual practice” under Rule 56(d), which is to deny the motion for summary judgment without prejudice to reapply after Plaintiff has conducted discovery. *See 10B Charles Alan Wright & Arthur R. Miller, et al., Federal Practice and Procedure § 2740 (4th ed.)*.

Accordingly,

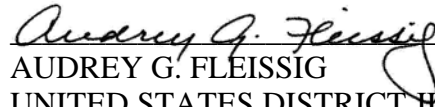
**IT IS HEREBY ORDERED** that Plaintiff’s motion for leave to file a first amended complaint and to hold in abeyance Defendant’s motion for summary judgment is **GRANTED in part**, as set forth above. ECF No. 28. The Clerk of Court shall detach and docket the first amended complaint, which was attached to the motion for leave (ECF No. 28-1).

**IT IS FURTHER ORDERED** that Plaintiff is denied leave to assert claims against St.

Louis County Justice Services and Julia Childery in her official capacity, and those claims are **DISMISSED**.

**IT IS FURTHER ORDERED** that the Clerk shall issue process or cause process to issue upon the first amended complaint as to defendant St. Louis County, Missouri.

**IT IS FURTHER ORDERED** that Defendant Carlina Stuckey-Parchmon's motion for summary judgment is **DENIED without prejudice**. ECF No. 25. This Defendant may reapply for summary judgment on or after **September 16, 2019**.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 31st day of May, 2019.